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his condemnation would take away from the individual libraries, paintings, beautiful houses, musical culture, and that great educator and civilizer—travel. The higher nature of those who are the leaven of the race would starve while waiting for the State to follow M. Laveleye's suggestion and furnish these as it furnishes parks and drinking fountains. Travel, indeed, the State can never furnish. The writer seems to be touched by the theories of the socialistic levellers of the Old World, and apparently fails to see that, for the progress of society, we must not so much level down as grade up. It is not true, as he maintains, that the desire for the necessities of life will be strong enough to stimulate men to work. Practical socialists, who have studied men and not merely theories, know that the lack of ambition, of abstinence, and of precision on the part of the working classes are largely responsible for their unfortunate condition. "The leisured classes," of whom M. Laveleye speaks, are in large measure the steam-power of their time and generation. Destroy them with their ambitions and refined tastes, with their love of ideals and ideas, whose culture the possession of comparative wealth makes possible, and the whole race will not only sink to a low material life, but will finally reach a condition where even material prosperity will cease.

The appended essay on "Law and Morals in Political Economy," while presenting nothing new, well emphasizes the basis of economic well-being in morals and hygiene, and also that of property in economic utility.

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CRIME AND ITS CAUSES. By WILLIAM DOUGLAS MORRISON, of H. M. Prison, Wandsworth. London: Swan, Sonnenschein & Co.

THIS is a thoughtful and thought-suggesting book, which had its genesis in an experience of fourteen years in connection with H. M. Prison at Wandsworth, England, and

is well worthy of consideration by penologists, whether specialists or amateurs.

In arriving at the causes of crime, or in testing theories in regard to it, the inductive method is rigorously enforced by the author, and all available facts and statistics are aggregated, and the result is that a good many opinions largely accepted among penologists make a bad showing and some new theories gain a foothold. In short, the writer is constructive as well as destructive.

The author deprecates the insufficiency of criminal statistics, both national and international, but the exhaustive analysis of what we have brings conclusions which demand attention. In fact, some of his deductions, apparently well established, are almost revolutionary in their importance.

The opening chapter is devoted to the consideration of "the statistics of crime: what they are, what they ought to be, and what they indicate as to the extent and volume of crime." Apparently crime is on the decrease in England and on the increase in other countries, and largely so in France, Germany, and the United States. In regard to England, however, the author is not sure but the decrease of crime is more apparent than real, and after a careful analysis of the statistics at command, is inclined to believe that crime in England, in proportion to population, has not varied materially in the last twenty years.

The gravity of the crime question is indicated by the annual loss of money which the existence of crime entails for its repression, which in England amounts to a tenth of the national expenditures.

The causes of crime the author considers under three great categories: cosmical, social, and individual.

The cosmical factors of crime are climate and the variations of temperature; the social factors are the political, economic, and moral conditions in which man lives as a member of society; the individual factors are a class of

attributes inherent in the individual, such as descent, sex, age, bodily and mental characteristics.

In his chapter upon "climate and crime" the author arrives at the conclusion, by various lines of inquiry, that crimes against property preponderate in cold climates, and crimes against the person in warm climates; so also winter and summer show similar results. This law, modified somewhat by moisture, soil, and the configuration of the earth's surface, seems fairly well established; but in India this law is largely nullified by certain restraining influences inherent in the division of society into various castes. To use his own language:

"These counteracting forces acting upon Indian society are of such immense potency that the malign influences of climate are very nearly annihilated, as far as the crimes we are now discussing are concerned. India stands to-day in the proud position of being more free from crimes against the person than the most highly civilized countries of Europe."

The reasons for these results are very suggestive of methods for the application of the principles involved in other countries as an antidote to the poisons of a criminal atmosphere.

The effect of seasons upon crime is considered in another chapter, with the conclusion that crime increases or decreases in accordance with temperature, and that each month has an average peculiar to itself; but no remedy is suggested as corrective of this result, and the facts are turned over to physiologists for consideration.

The chapters upon "destitution and crime" and upon "poverty and crime" summarize the results of a very careful study and analysis of a large collocation of facts. The results, apparently, are that destitution as a cause of crime against property does not amount to more than 2 per cent. of the aggregate. Destitution so acute as to necessitate theft or beggary is, apparently, very rare, but beggary or vagrancy as a choice of occupation is common. The first is pitiable and should be tenderly treated, but beggary or

vagrancy, aside from the 2 per cent. caused by destitution, is *ipso facto* criminal and should be dealt with as such. Vagrancy, the author finds,

"is to a large extent entirely unconnected with economic conditions: the position of trade, either for good or evil, is a very secondary factor in producing this disease in the body politic; its extirpation would not be effected by the advent of an economic millennium; its roots are, as a rule, in the disposition of the individual, and not to any serious degree in the individual constitution of society; hence, the only way to stamp it out is by adopting rigorous and effective methods of repression."

What these measures are in different countries are then presented, and the principles found most effective are largely those adopted or recommended by our charity aid associations in America.

As with vagrancy and beggary, so with prostitution, destitution is not a cause of a large proportion, and apparently does not aggregate 10 per cent. of that class of offenders.

In his chapter upon "poverty and crime" the conclusions of the author, even more than in the preceding chapter, antagonize current opinions, and if the statistics furnished are correct, his conclusions are well founded. If poverty is a potent factor as a cause of crime, then the increase of material prosperity in a community or a nation ought to show a decrease of crime; but, unfortunately for this theory, all attainable statistics show the opposite, and crime, or at least crimes against property, decrease as the per capita of wealth decreases. To use the author's own words:

"All these considerations force us back to the conclusion that an abundant measure of material prosperity has a much smaller influence in diminishing crime than is usually supposed, and compels us to admit that much crime would still exist, even if the world were turned into a paradise of material prosperity to-morrow."

In Italy the poor people, in proportion to their numbers, commit fewer offences against property than the well-to-do.

In Prussia persons engaged in the liberal professions contribute twice their proper share to the criminal population. So also in France, statistics for 1879 show that although the liberal professions constitute only 4 per cent. of the population, they were responsible for 7 per cent. of the murders of that year. The author asserts:

"All these facts instead of pointing to poverty as the main cause of crime, point the other way. It is a curious sign of the times that this statement should meet so much incredulity. It has been reserved to this generation to propagate the absurdity that the want of money is the root of evil; all the wisest teachers of mankind have hitherto been disposed to think differently, and criminal statistics are far from demonstrating that they are wrong."

The chapter upon crime in relation to sex and age is one of the most important and most startling in the book, and is worthy of careful consideration, and especially by all women who honestly think that the industrial and political emancipation of their sex is a consummation greatly to be desired. The statistics are pitiless in showing that *pari passu* with such emancipation crime steadily increases. As with sex, so with childhood and youth, the statistics indicate to the author a revision of many popular ideas.

In regard to the bodily and mental characteristics of criminals, statistics do not seem to disclose much of positive value. In England the height and weight of criminals seem to be somewhat below the average, but not in other countries. So also in face, manner, and demeanor, there is no infallible index of character. Heredity counts for something, but physical degeneracy for more. The death-rate among criminals is more than one-third greater than the average. Illiteracy, bad associations, and want of industrial training, however, are potent factors for evil.

The last chapter of the book is an admirable presentation of the methods of conducting convict prisons in England, and there are but few prison officers in America who would not be benefited by its careful consideration. In fact, the

whole book is valuable, not only to prison officers, but to legislators also, and to all others interested in the solution of the prison question.

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THE UNWRITTEN CONSTITUTION OF THE UNITED STATES: A PHILOSOPHICAL INQUIRY INTO THE FUNDAMENTALS OF AMERICAN CONSTITUTIONAL LAW. BY CHRISTOPHER G. TIEDEMAN, A.M., LL.B., Professor of Law in the University of Missouri. Pp. 165. New York and London: G. P. Putnam's Sons, 1890.

WE have in this work the first general and systematic discussion of the unwritten elements of our national constitution. The author, however, in the narrow space which he has allowed himself, has not been able to cover the entire field comprehended by the title of his book. Broad phases of his subject are scarcely noticed. Thus, for example, no attempt is made to trace the vast though silent expansion of the powers of Congress, through which the carefully contrived "checks and balances" of the written instrument have been practically destroyed. But so far as constitutional growth is due to executive action or the interpretation of the courts, the author's treatment is thorough; and by pointing out the legal and historical justification of that growth he has rendered an original and important service. It would be difficult anywhere else to find so philosophic an explanation of the doctrine of implied powers.

In the first two chapters Professor Tiedeman lays down and develops his major premise. Except in the matter of present form, the statement of Blackstone is false, that municipal law "is a rule of conduct prescribed by the supreme power of the State;" and not less misleading is the view of Austin, that a legal rule only then becomes a law when an English or American court first announces its decision. Law is not originally handed down from above. It grows with the ethical progress of the race,